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Message Text

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C O N F I D E N T I A L SECTION 1 OF 2 USNATO 3085

E.O. 11652: GDS
TAGS: PFOR, NATO
SUBJECT: CSCE: EC POLITICAL COMMITTEE REPORT

GENEVA PASS USDEL CSCE

REF: USNATO 2998

1. TRANSMITTED BELOW PER REFTEL, IS AN INFORMAL MISSION TRANSLATION OF THE EC POLITICAL COMMITTEE REPORT ON CSCE, APPROVED IN BONN ON MAY 28 AND CIRCULATED BY FRG DEL IN SPC ON MAY 30.

2. BEGIN TEXT.

TRANSLATION

AT ITS MEETING I BONN ON 28 MAY, 1974, THE POLITICAL COMMITTEE OF THE NINE APPROVED A REPORT BY THE CSCE SUB-COMMITTEE AND THE AD CONFIDENTIAL

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HOC GROUP. IT FOUND THAT THE PRESENT STATE OF THE GENEVA NEGOTIATIONS WAS RATHER UNSATISFACTORY AND THAT A REACTION TO THIS STATE OF AFFAIRS IS NECESSARY WITHOUT, HOWEVER, DRAMITIZING THE SITUATIO. IN PARTICULAR, THE FOLLOWING POINTS WERE RAISED (SEE THE NOTES OF MY

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DELEGATION DATED 22 APRIL 1974).

I. PEACEFUL CHANGE OF FRONTIERS

1. THE POLITICAL COMMITTEE HAD DIRECTED THE SUB-COMMITTEE TO DISCUSS, IN THE PRESENCE OF LEGAL ADVISERS, THE QUESTION OF DETERMINING TO WHICH PRINCIPLE THE FORMULATION ON PEACEFUL CHANGE COULD BE LINKED.

2. THE SUB-COMMITTEE CONFIRMED THE THESIS OF THE NINE WHEREBY THE CONTEXT OF THE THIRD PRINCIPLE (INVIOLABILITY) WOULD HAVE BEEN THE MOST APPROPRIATE FOR THE INCLUSION OF CHANGING FRONTIERS BY PEACEFUL MEANS, THAT THIS THESIS SHOULD BE DEFENDED AS LONG AS POSSIBLE AND SHOULD BE TAKEN UP AGAIN IN CASE AGREEMENT ON THE LINKING
OF PEACEFUL CHANGE CANNOT BE REACHED.

3. THE SUB-COMMITTEE IS OF THE OPINION THAT THE THREE FOLLOWING POSSIBILITIES SHOULD NOT BE RETAINED FOR THE TIME BEING:

- MAKING PEACEFUL CHANGE OF FRONTIERS AN 11TH PRINCIPLE;
- INSERTING IT IN THE GENERAL PROVISIONS AT THE BOTTOM OF THE LIST OF PRINCIPLES;
- INSERTING IT AS A "DISCLAIMER" AFTER PRINCIPLES 3 (INVIOLABILITY AND 4 (TERRITORIAL INTEGRITY).

THE SUB-COMMITTEE, HOWEVER, IS TO TAKE THE QUESTION UP AGAIN IN CASE IT WOULD BE IMPOSSIBLE TO OBTAIN, AS IS HOPED AN APPROPRIATE INCLUSION IN ONE OF THE TEN PRINCIPLES.

4. THE TEXT REGISTERED ON 5 APRIL 1974 ON PEACEFUL CHANGE OF FRONTIERS READS AS FOLLOW (ORIGINAL: ENGLISH): "THE PARTICIPATING STATES CONSIDER THAT THEIR FRONTIERS CAN BE CHANGED ONLY IN ACCORDANCE WITH INTERNATIONAL LAW THROUGH PEACEFUL MEANS AND BY AGREEMENT."

5. IT WAS RECOGNIZED AS DESIRABLE THAT THIS TEXT BE GIVEN A "POSITIVE"
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WORDING IF PLACED IN A NEW CONTEXT AND THAT THE FORMULA ON INTERNATIONAL LAW SHOULD BE PLACED MORE TOWARD THE BEGINNING. DISCUSSION WAS CONCENTRATED IN PARTICULAR ON THE FIRST AND FOURTH PRINCIPLE.

SOVEREIGN EQUALITY

6. THE GERMAN DELEGATION HAS ILLUSTRATED THE POSSIBLE LINKAGE OF THE TEXT ON PEACEFUL CHANGE OF FRONTIERS TO THE FIRST PRINCIPLE IN CASE A CONSIDERABLY MODIFIED AND POSITIVE FORMULA WERE INSERTED IN THIS NEW CONTEXT. AS A TEMPORARY MEASURE, IT PROPOSED THE FOLLOWING TEXT, WHICH COULD BE INSERTED AFTER THE 27 LINES OF THE TEXT ALREADY REGISTERED:

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"THE SOVEREIGNTY OF THE PARTICIPATING STATES INCLUDES, IN ACCORDANCE WITH INTERNATIONAL LAW, THE RIGHT TO MODIFY THEIR FRONTIERS THROUGH PEACEFUL MEANS AND BY AGREEMENT AND NOTHING IN THE PRESENT DECLARATION
WILL AFFECT THIS RIGHT."

7. HOWEVER, THE LINKAGE OF PEACEFUL CHANGE TO THE FIRST PRINCIPLE IS NOT ACCEPTABLE TO ALL THE DELEGATIONS AMONG THE NINE. MOREOVER, THE SUB-COMMITTEE IS OF THE OPINION THAT THERE ARE FEW CHANCES OF OBTAINING THE FORMULA MENTIONED ABOVE.

TERRITORIAL INTEGRITY

8. IN DISCUSSING THE FOURTH PRINCIPLE AND THE POSSIBLE LINKAGE OF THE TEXT ON PEACEFUL CHANGE TO THAT PRINCIPLE AS A SEPARATE PARAGRAPH, THE SUB-COMMITTEE ALLUDED TO THE FOLLOWING FORMULAS, AS EXAMPLES:

A. THE TERRITORY AND FRONTIERS OF THE PARTICIPATING STATES CAN BE MODIFIED BY PEACEFUL MEANS AND THROUGH AGREEMENTS;

B. IN ACCORDANCE WITH INTERNATIONAL LAW AND THE PRINCIPLES OF THE PRESENT DECLARATION, THE TERRITORY AND FRONTIERS OF THE PARTICIPATING STATES CAN BE MODIFIED THROUGH PEACEFUL MEANS AND BY AGREEMENT;

C. THE PARTICIPATING STATES CONSIDER THAT, IN ACCORDANCE WITH INTER-NATIONAL LAW, THEIR FRONTIERS CAN BE MODIFIED BY PACIFIC MEANS
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AND THROUGH AGREEMENT.

D. THE PARTICIPATING STATES CONSIDER THAT THEIR FRONTIERS CAN BE MODIFIED ONLY, IN ACCORDANCE WITH ITERNATIONAL LAW, BY PACIFIC MEANS AND THROUGH AGREEMENT.

9. THE SOVIET DELEGATION INFERRED THAT IT PREFERRED LINKAGE OF PEACEFUL CHANGE TO THE FIRST PRINCIPLE, BUT THAT IT COULD ALSO CONSIDER THE CONEXT OF THE FOURTH PRINCIPLE;
MOREOVER, IT IS NOT EXCLUDED THAT IT WILL ACCEPT CERTAIN CHANGES IN THE TEXT REGISTERED.

10. THE SUB-COMMITTEE DID NOT CONSIDER IT NECESSARY TO PROPOSE, AT THE INITIAL PHASE OF DRAFTING THE PRINCIPLE ON TERRITORIAL INTEGRITY, TO LINK A TEXT ON PEACEFUL CHANGE TO THIS PRINCIPLE.
THE GERMAN DELEGATION, HOWEVER, POINTED OUT IN SUB-COMMISSION A THAT IT RESERVED TO ITSELF THE POSSIBILITY OF "BRINGING ADDITIONS TO THIS TEXT" IN ORDER TO KEEP OPEN THE POSSIBILITY OF LINKAGE WITH THIS PRINCIPLE.

11. THE SOVIET DELEGATION APPEARED TO BE IN NO HURRY TO DRAFT SUCH A TEXT. IT WOULD AGREE TO ENVISAGING A FEW SUPPLEMENTARY MEETINGS IN

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ORDER TO SETTLE THE QUESTION OF LINKAGE OF PEACEFUL CHANGE
WHEN WE WOULD ALL HAVE AGREED TO HOLD SUCH MEETINGS AND IN ANY
CASE PRIOR TO THE SECOND READING.

II. PROPOSAL INTENDED TO RENDER EFFECTIVE NON-RECOURSE TO FORCE
AND PACIFIC SETTLEMENT OF DISPUTES.

12. NEGOTIATIONS ON THE BASIS OF THE ROMANIAN DRAFT ENDED IN
REGISTERING A FEW SENTENCES WHICH THR ROMANIANS PRACTICALLY
REJECTED MAKING INTO A SEPARATE DOCUMENT.

UNDER THESE CONDITIONS, IT IS NOT OF MUCH INTEREST,
AND THE QUESTION ARISES: WHERE WILL THESE FORMULAE BE PLACED - IN
THE DECLARATION OF PRINCIPLES OR ELSEWHERE.

IT WOULD BE IN THE INTEREST OF THE NINE TO LET IT BE UNDERSTOOD THAT,
LACKING A SEPARATE DOCUMENT, AN AGREEMENT ON THE SENTENCES IN
QUESTION WOULD BE RECONSIDERED.

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III. CONFIDENCE BUILDING MEASURES AND MILITARY ASPECTS

13. THE NINE CONSIDER THAT, IN ORDER TO ESTABLISH CONFIDENCE IN
EUROPE, CONFIDENCE BUILDING MEASURES (CBMS) MUST REMAIN IN ACC-
ORDANCE WITH THE CRITERIA PREVIOUSLY SET (PARAS 16-18 OF THE NOTES
OF 22 APRIL 1974); IT IS NECESSARY TO ENSURE THAT THE
EUROPEAN PART OF USSR TERRITORY IS INCLUDED IN SUFFICIENT
DEPTH.

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IV. ITEM II OF THE AGENDA

14. IN THE WORK OF THE SUB-COMMITTEES OF THE SECOND COMMISSION, PROGRESS HAS BEEN MADE IN THE FIELDS OF ENVIRONMENT, SCIENCE AND TECH-

NOLOGY AS WELL AS IN THOSE OF TRANSPORT AND TOURISM. ON THE OTHER HAND, FOR THOSE PROBLEMS ENCOMPASSED IN THE RESOLUTION ON GENERAL PROVISIONS FOR TRADE, WHICH CONSITTUTE THE
HINGE ELEMENT IN THE SECOND COMMISSION'S WORK, PROGRESS PROVED
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TO BE PARTICULARLY DIFFICULT. IN THE FIELD OF INDUSTRIAL COO-PERATION, TOO, MANY PROBLEMS REMAIN TO BE SOLVED.

V. ITEM III OF THE AGENDA

15. TAKING INTO ACCOUNT THE LACK OF PROGRESS DURING THE LAST FEW WEEKS, THE SUB-COMMITTEE IS OF THE OPINION THAT THE STATE OF WORK AT GENEVA DOES NOT REQUIRE MODIFYING TE POSITIONS SET DOWN IN CHAPTER IV OF THE ABOVE MENTIONED NOTES OF MY DELEGATION.

VI. FOLLOW-ON TO THE CONFERENCE

16. A DRAFT RESOLUTION REFLECTING THE POSITION OF THE NINE WAS PRE-SENTED TO THE CONFERENCE BY THE DANISH DELEGATION ON 26 APRIL 1974 (DOC.CSCE/CC/WGIV/2).

17. THE SUB-COMMITTEE IS OF THE OPINION THAT THEWORK OF THE NINE ON TECHNICAL FOLLOW-UP SHOULD BE ACCELERATED, IN PARTICULAR IN THE THIRD COMMISSION'S FIELD. IT DEEMED THAT A COHERENT OVERALL CONCEPTION OF FOLLOW-ON ARRANGEMENTS COULD FACILITATE THE ARGUMEN-TATION OF THE NINE IN THE CONFERENCE WORKING GROUP.

18. IN THE OPINION OF THE SUB-COMMITTEE, THE TECHNICAL RESULTS SHOULD BE DEFINED MORE CONCRETELY:

- FOR CARRYING OUT SPECIFIC TASKS;
- FOR WORK TO BE DONE IN INTERNATIONAL ORGANIZATIONS;
- FOR MEETINGS OF EXPERTS IN SPECIFIC FIELDS OF THE SECOND AND THIRD COMMISSIONS; THESE EXPERTS TO REPORT TO THEIR RESPECTIVE GOVERNMENT.

19. IF CONSIDERED OPPORTUNE TO CONTINUE THE STUDY OF THE SWISS DRAFT, THIS SHOULD BE DONE OUTSIDE OF THE CONFERENCE FOLLOW-ON ARRANGEMENTS.

20. AS FOR "SURVEILLANCE FOLLOW-UP", THE INSTITUTION OF THESE RESULTS COULD LEAD TO POLITICAL FOLLOW-ON ARAANGEMENTS AND THE VERY IDEA OF SUCH ARRANGEMENTS WOULD NOT FAIL TO PROVOKE A CONFRONTATION WITH THE EASTERN COUNTRIES. SINCE SUCH "SURVELLANCE" COULD BE ENSURED BY ORGANS OF GROUPINGS OF WESTERN STATES, THE SUB-COMMITTEE

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CONSIDERS THAT, AT LEAST DURING THE INTERIM PERIOD, THE IDEA OF
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SURVEILLANCE FOLLOW-ON SHOULD NOT BE RETAINED.

VII. THE GENERAL STRATEGY OF THE NINE

21. THE SUB-COMMITTEE DISCUSSED THE MEANS AVAILABLE TO THE NINE FOR OVERCOMING THE QUASI-TOTAL STAGNATION IN THE CONFERENCE'S WORK WHICH OCCURED BECAUSE THE SOVIETS WERE NOT PREPARED TO MAKE CONCESSIONS.

22. THE FOLLOWING MOTIVES WHICH COULD HAVE INCITED THE SOVIETS TO ADOPT THIS ATTITUDE WERE SUGGESTED:

- PUT THE WESTERN STATES UNDER TIME PRESSURE IN ORDER TO MINIMIZE THE NUMBER OF CONCESSIONS TO BE MADE;
- AWAIT THE RESULT OF THE INTERNAL DEVELOPMENTS WHICH CERTAIN WESTERN STATES ARE UNDERGOING;
- AWAIT NEW INSTRUCTIONS.

23. WHATEVER THE IMPORTANCE TO BE GIVEN THESE CONSIDERATIONS MAY BE, THE WESTERN STATES SHOULD CONCEIVE A STRATEGY OF THEIR OWN.

THE SUB-COMMITTEE INDICATED THE FOLLOWING OPTIONS:

A. RISK A CRISIS BY PROPOSING TO PUT AN END TO THE WORK OF THE CONFERENCE BECAUSE OF THE LACK OF PROGRESS;

B. CONTINUE NEGOTIATIONS, ACCEPTING THE RESUMPTION OF PHASE II AFTER THE SUMMER RECESS (THIS WAITING POSITION WOULD CONSIST OF SHOWING MORE PATIENCE THAN THE SOVIETS);

C. ADOPT AN INTERMEDIARY POSITION: CONTINUE THE WORK UNTIL MID-JULY, BUT ANNOUNCE BEFOREHAND THAT IF THE ESSENTIAL QUESTIONS HAD NOT BEEN THE SUBJECT OF A CONSENSUS BY THAT DATE, THE WORK WOULD HAVE TO BE INTERRUPTED FOR A PERIOD, EVEN A RELATIVELY LONG ONE.

24. THE NINE SHOULD BE PREPARED TO TAKE A POSITION ON THIS QUESTION WHEN DISCUSSION OF THE PROGRAM OF WORK FOR THE PERIOD BEGINNING ON 17 JUNE TAKES PLACE. AT THAT MOMENT THEY SHOULD DECIDE AGAINST ANY DEADLINES AND MAINTAIN OPEN ALL OPTIONS CONCERNING A DECISION ON CARRING ON WITH THE WORK.
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25. IN THE MEANTIME, THE NINE SHOULD:

- INSIST ON FINISHING THE DISCUSSION OF THEIR PROPOSALS BEFORE GOING ON TO THE ASPECTS TOUCHING UPON THEOVERALL

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NEGOTIATION;
- MAKE THE SOVIETS UNDERSTAND THAT WE HAVE ALREADY MADE AN IMPORTANT POLITICAL GESTURE FOR WHICH WE ARE ENTITLED TO EXPECT A COUNTERPART ON THE SAME SCALE;
- POINT OUT THAT THE NINE ARE NOT PREPARED TO GO ON TO THE THIRD PHASE OF THE CONFERENCE IF THEY HAVE NOT ATTAINED SATISFACTORY RESULTS;
- INFER THAT ANY DISCUSSION ON THE DATE AND LEVEL OF THE THIRD PHASE AND ANY NEGOTIATIONS ON FOLLOW-ON ARRANGEMENTS ARE IN VAIN AS LONG AS SUCH RESULTS ARE NOT IN SIGHT.

26. AS THE MAINTENANCE OF OUR POSITIONS IMPLIES, IN ANY HYPOTHESIS, THE RISK OF A CONTROVERSY WITH THE SOVIET UNION, WE MUST BE PREPARED TO DEFEND THEM IN THE FACE OF PUBLIC OPINION. IT WAS SUGGESTED TO PROPOSE THAT THE FOREIGN MINISTERS, ON 11 JUNE IN BONN, REAFFIRM THE POLITICAL GOALS OF THE NINE AND EXPRESS THEIR CONCERN OVER THE RATHER UNSATISFACTORY WORK DONE AT GENEVA.

VIII. LEVEL OF THE THIRD PHASE

27. 1. SINCE THE IMPORTANT QUESTION IS TO KNOW WHETHER OR NOT A THIRD STAGE SHOULD BE HELD, ANY DISCUSSION OF LEVEL OF THE LEVEL OF THE THIRD PHASE SEEMS PREMATURE.

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